

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:19-cv-00983-LCB-JLW

DOMINIQUE MORRISON, SARA  
HAWES, CASSANDRA  
CHIARALUCE, and JONATHAN  
FONTAINE individually, and on behalf  
of all others similarly situated,

Plaintiffs,

v.

AQ TEXTILES LLC and CREATIVE  
TEXTILE MILLS PVT. LTD.,

Defendants.

**JOINT STATUS REPORT AND  
REQUEST FOR EXTENSION OF  
DEADLINES RELATED TO CLASS  
REPRESENTATIVE MORRISON**

On April 19, 2023, the Court entered an order permitting an extension of the discovery deadlines here as they relate to Class Representatives Hawes, Chiaraluce, and Fontaine, who are Class Representatives in *Hawes v. Macy's Stores West Inc.*, No. 1:17-CV-754 (S.D. Ohio) and *Chiaraluce v. Macy's Inc.*, No. 2:20-CV-081 (S.D. Ohio), collectively ("Ohio actions"), and instructed that "the parties shall proceed with discovery of the remaining Plaintiff not subject to the Ohio actions (Dominique Morrison)" Text Order, Apr. 19, 2023. In addition, the Court instructed the Parties to file a status report concerning the Ohio actions and their impact on the instant action. *Id.*

Counsel for the Parties respectfully report to the Court the following:

1. There are two actions pending in the United States District Court for the Southern District of Ohio that are related to this action: *Hawes v. Macy's Stores West Inc.*, No. 1:17-CV-754 (S.D. Ohio) and *Chiaraluce v. Macy's Inc.*, No. 2:20-CV-081 (S.D. Ohio), collectively ("Ohio actions"). The *Hawes* action was filed by Sara Hawes, one of the named plaintiffs here. The *Chiaraluce* action was filed by Cassandra Chiaraluce and Jonathan Fontaine, two of the named plaintiffs here. In the Ohio actions, the plaintiffs assert claims against entities that operate Macy's stores arising from the same sheet purchases at issue here.

2. The parties in the Ohio actions reached agreement on the material terms of a class action settlement and on March 24, 2023 Plaintiffs filed a motion for preliminary approval. (See attached motion at Ex. A.) On April May 1, 2023, the *Hawes* Court granted the Plaintiffs motion for preliminary approval. (See attached order at Ex. B.) On June 8, 2023, the parties filed a joint motion to extend the deadline for notice. (See attached motion at Ex. C.) A hearing for final approval is currently scheduled for September 20, 2023, although that date may shift based on the pending motion related to the notice deadline.

3. If the settlement of the Ohio actions is finally approved, by late October or early November 2023, it will resolve the claims asserted in this action by three of the four Class Representatives: Sara Hawes, Cassandra Chiaraluce, and Jonathan Fontaine. Further, it would release Defendant AQ for claims related to all sheets sold through Macy's department stores or macys.com. Thus, if the settlement of the Ohio actions is finally approved, it will substantially alter the size and scope of this instant action including the

scope and nature of discovery – and could make litigating this case inefficient and redundant.

4. In an effort to preserve resources of the Court and the parties—especially with respect to the size and scope of discovery contingent upon the releases that would be made in the Ohio actions, and the ancillary issues that tend to accompany wide-ranging discovery—the parties previously filed motions to stay the deadlines in this action to allow time for the approval process in the Ohio actions to be resolved. [Dkts 58, 61].

5. Notwithstanding the motions to stay filed here, the parties have made progress in this action. The parties have engaged in preliminary settlement discussions. Additionally, Defendant AQ has, based upon agreement with Plaintiff's counsel and without necessitating a formal discovery request, produced 7,909 documents totaling more than 28,000 pages and recently provided additional sales materials.

6. Accordingly, the Parties respectfully request that the Court continue to stay the litigation efforts of Class Representative Hawes, Chiaraluce, and Fontaine and stay and/or extend discovery and mediation deadlines related to Class Representative Morrison to a date after final approval is entered in the Ohio Actions (plausibly late October or early November 2023). The parties have proposed a potential schedule for extending the existing deadlines consistent with this request in the proposed order submitted contemporaneously herewith.

7. If the Court would find additional information helpful, the parties are available at the Court's convenience for a telephonic status conference.

Respectfully submitted, this the 15<sup>th</sup> day of June, 2023.

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